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Attorneys for Plaintiffs PARK VILLAGE APARTMENTS TENANTS
ASSOCIATION, FOSTER, et al.

E-FILED

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PARK VILLAGE APARTMENTS
TENANTS ASSOCIATION, WILLIAM
FOSTER, SHIRLEY SMITH, ANAHID
ISSAHAKIAN, PATRICIA JOHNSON,
MARTIN KOCH, LAWRENCE LEE,
FOSTER REUBEN, MARIA LILLIAN
SANCHEZ, ALISON WRIGHT and
CORNELIUS WEEKLEY,

Plaintiffs,

v.

MORTIMER HOWARD TRUST,
MORTIMER R. HOWARD,

Defendants.

Case No. C-09-4780 EDL

**JOINT REQUEST TO CONTINUE
SETTLEMENT CONFERENCE AND
[PROPOSED] ORDER**

1 Plaintiffs, PARK VILLAGE APARTMENT TENANTS ASSOCIATION, et al. (Plaintiffs)
2 and Defendants, MORTIMER HOWARD TRUST and MORTIMER HOWARD (Defendants), in
3 the above-entitled action, by and through respective counsel, hereby request that the August 7,
4 2012 settlement conference with Magistrate Judge Beeler, be continued to a date to be determined
5 by the Court's availability. In an effort to assist the Court and allow sufficient time to come to a
6 final resolution on the remaining issues in the case, the parties would prefer to have the settlement
7 conference reset to a date in September 2012, if possible.

8 The reasons for this continuance request include:

9
10 1. The parties are currently engaged in settlement discussions and significant progress
11 has been made toward a final stipulated agreement to make the preliminary injunction upheld by
12 the Ninth Circuit on February 24, 2011 permanent.

13 2. This agreement will be a resolution of all issues and will include a dismissal of the
14 case.

15 3. In order to facilitate the settlement negotiations Defendants have propounded some
16 discovery on Plaintiffs which is currently due after the currently scheduled settlement conference
17 on August 7, 2012. Since responses to the special interrogatories and request for production may
18 resolve some of the remaining issues, the parties feel that it would be more productive at this time
19 to continue settlement negotiations between themselves with the goal of a final resolution.

20 Having met and conferred, the parties agree that the following dates are acceptable to them:

21 Wednesday, September 19, 2012

22 Monday, September 24, 2012

23 Thursday, September 27, 2012

24 Additionally, Defendants also request that the deadline for filing the answer also be
25 extended to the day before the reset settlement conference date.
26
27
28

1 RESPECTFULLY SUBMITTED,

BAY AREA LEGAL AID

2 Lisa S. Greif

3 Naomi Young

Robert Capistrano

4 NATIONAL HOUSING LAW PROJECT

5 James R. Grow

Kent Qian

6 Dated: August 1, 2012

/s/ Lisa S. Greif

7

Lisa S. Greif

8 Attorneys for Plaintiffs

10 SWIHART AND ASSOCIATES

11 Thomas M. Swihart

12 Dated: August 1, 2012

/s/ Thomas M. Swihart

13

Thomas M. Swihart

Attorney for Defendants

14
15 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
16 "conformed" signature (/s/) within this efiled document.

18 Dated: August 1, 2012

19 By: /s/ Lisa S. Greif

20

LISA S. GREIF

Attorney for Plaintiffs

ORDER

The Court having read and considered the Parties' request to continue the settlement conference and good cause appearing,

IT IS ORDERED that the request is granted.

The settlement conference will be reschedule to October 12, 2012 at 9:30 a.m. and

Defendants' answer will be due on October 11, 2012.

The Settlement Conference Order issued on January 24, 2012, ECF Number 84 remains in affect.

DATED: August 3, 2012



UNITED STATES DISTRICT JUDGE